

REMARKS

Claims 1-25 are pending; claims 1, 11 and 19 are independent. Applicants have amended claims 11 and 18 to correct a typographical error. Applicants have also amended independent claims 1 and 19 to more particularly point out and distinctly claim their invention. Applicants have also made a universal amendment in claims 1-5, 7, 9-11, 14-25 by replacing the abbreviations with their non-abbreviated terms to clarify the claims and avoid redundancy. All claims stand rejected. Applicants respectfully traverse these rejections.

Applicants have enclosed herewith an English language abstract of French patent 2,732,144 (“‘144 patent”) in order to comply with their duty to disclose and explain its relevance as it is presently understood. 37 C.F.R. § 1.98(a)(3). Submission of an English language abstract of a reference may fulfill the requirement for a concise explanation. MPEP § 609(A)(3), 600-101. As presently understood by Applicants, the ‘144 patent describes a management system for electronic vehicles. The ‘144 patent was previously submitted in Applicants’ Supplemental Information Disclosure Statement dated July 7, 1999, a duplicate copy is enclosed herewith.

Applicants respectfully request that the Examiner consider that the previously submitted Declaration fulfills Applicants’ requirement of listing their city and country of residence pursuant to 37 C.F.R. § 1.63(a)(3), given that the post office address listed in the Declaration is the same as the inventors’ place of residence. MPEP § 602.03 provides that minor deficiencies in the body of the declaration may be waived where the deficiencies are self-evidently cured in the rest of the declaration. To clarify, Applicants’ city and country of residence has been declared by each inventor to be as follows:

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Rejections Under 35 U.S.C. § 102(e)

Claims 11-18 stand rejected under 35 U.S.C. § 102 (e) as being anticipated by Tagami et al., United States patent 5,812,070. As more fully explained below, the cited document refers to a

shared vehicle rental system that differs fundamentally from applicants' claimed system in that applicants' system provides that the stored amount of energy of a vehicle is continuously monitored by the central station through the use of a wireless communication unit. Applicants' claimed system differs from and is superior to the system disclosed in the Tagami document because, inter alia, the central station is able to monitor the stored amount of energy of the vehicle continuously and regardless of the location of the vehicle. In contrast, the Tagami document refers to a shared vehicle rental system in which vehicle information is transmitted in very limited circumstances. For example, an incoming vehicle arrives at the returning area and if a parking switch in the returning area is turned on, then information relative to the last usage (travel details including the amount of energy consumed by the vehicle (col. 7, line 7)) is sent from a drive recorder through a third communication pole to the computer. Col. 6, lines 50-56. Thus, Tagami does not disclose a vehicle sharing system wherein a stored amount of energy sensor located in the vehicle is operatively coupled to a communication device which allows the central station to *continuously* monitor the stored amount of energy of a vehicle at any given time. No further limitation of the claims are required because continuous monitoring is inherent in a wireless system.

It is apparent; therefore, that Tagami does not refer to a system in which a central computer is able to continuously monitor the stored amount of energy of a vehicle through the use of a stored amount of energy sensor operatively coupled to a wireless communication unit, as in Applicants' claimed invention.

Turning now to the specific grounds for rejection, independent claim 11 and claims 12-18 dependent therefrom, stand rejected as anticipated. With respect to claim 11, according to the Examiner, Tagami discloses "a vehicle subsystem including a wireless communication unit ... for transmitting information SAE sensed by the sensor ... and a central station coupled in wireless communication with said communication units ... and a computer system for receiving wireless communication and programmed to process SAE information." Applicants respectfully disagree.

The Examiner cites three passages in the Tagami document in support of the rejection. The first cited passage at col. 5, lines 63-67 states that some of the available vehicles have batteries that are not fully charged and that the computer will assign a partially charged vehicle to a corresponding user based on their past average use. The second passage at col. 4, lines 27-28 refers to a vehicle on-board computer having a communication program for controlling a communication unit. And the final cited passage at col. 5, lines 12-19 states that the control center monitors the positions of the vehicles with a GPS like system for the limited purpose of maintaining vehicles in a defined geographic region. Nothing in the cited passages nor the specification as a whole teaches or suggests that a central computer continuously monitors stored amount of energy information via wireless communication with a vehicle stored amount of energy sensor.

Claims 12-18, which were also rejected by the Examiner as anticipated by the Tagami document, each depend from claim 11 and, therefore, narrow its scope. Because neither the Tagami document nor the arguments made by the Examiner show how vehicle stored amount of energy information is continuously monitored by a central computer through the use of a stored amount of energy sensor operatively coupled to a wireless communication unit, the rejection of claims 11-18 as anticipated should be withdrawn. In addition, since the limitations said to be anticipated are not in fact shown or suggested by the prior art, the rejected claims cannot be rendered obvious by teachings directed to other limitations recited by the rejected claims. Accordingly, the rejection of claims 11-18 under § 102(e) should be withdrawn.

Claims 1, 4, 19, and 22 stand rejected under 35 U.S.C. § 102 (e) as being anticipated by Kane et al., United States patent 6,078,850. Applicants respectfully traverse this rejection.

Applicants' claim 1, as amended, is limited to

“a stored energy tracking system ... comprising ... a central station ... for vehicle allocation determination by the central computer usable in a vehicle sharing system.”

Claim 19, as amended, is limited to

“a stored energy tracking method ... for determining vehicle allocation by the central computer usable in a vehicle sharing system.”

The Kane document refers to a method and system of providing an interactive approach to fuel management. Col. 1, lines 60-62. However, Kane does not teach or suggest a stored energy tracking system wherein the data transmitted is useable in allocating vehicles in a vehicle sharing system as in Applicants' amended claims.

Claims 4 and 22 are dependent and narrow claims 1 and 19 respectively. Again, since the Kane document fails to teach or suggest an energy tracking system wherein the data transmitted is used for vehicle allocation in a vehicle sharing system as in independent claims 1 and 19, the Kane document does not disclose Applicants' invention. Similarly, rejected claims cannot be rendered obvious by teachings directed to other limitations of the inventions claimed. Accordingly, Applicants' respectfully submit that pending claims 1, 4, 19, and 22 should be allowed.

Rejections Under 35 U.S.C. § 103(a)

The following dependent claims stand rejected under 35 U.S.C. § 103(a) as unpatentable: over Kane in combination with additional documents:

1. Claims 2, 3, 20, and 21 in view of Tagami.
2. Claims 5, 6, and 23 in view of Kikuchi et al., United States patent 6,133,707.
3. Claims 7, 8, and 24 in view of Kikuchi, and further in view of Tabata et al., United States patent 5,908,453.
4. Claims 9, 10, and 25 in view of Tabata.

Applicants respectfully traverse these rejections. The rejected claims each depend from independent claims 1 and 19. Independent claims 1 and 19 as amended are limited to a stored energy tracking system or method used for determining allocation of vehicles by a central computer usable in a vehicle sharing system. As previously shown, Kane does not disclose such an element; moreover, this element is not taught or suggested in the additional documents cited by the Examiner.

While the Tagami document refers to a central computer which is able to allocate vehicles, the reference does not teach or suggest a vehicle sharing system wherein a stored amount of energy sensor located in the vehicle is operatively coupled to a communication device which allows the central station to continuously monitor the stored amount of energy of a vehicle at any given time.

Similarly, the Kikuchi and Tabata documents both fail to teach or suggest the allocation limitation in amended claims 1 and 19. The Kikuchi document discloses a battery control apparatus and the Tabata document discloses a traveling control apparatus for electric vehicles. Both documents are devoid of any suggestion for their use in allocating vehicles in a vehicle sharing system.

As previously demonstrated, the amended claims are patentable over Kane because it does not teach or suggest a system or method of determining allocation of vehicles by a central computer usable in a vehicle sharing system. Additionally, Kane, in view of the other cited prior art, does not overcome the amended provisions set forth in independent claims 1 and 19. Since the amended limitations said to be anticipated are not in fact shown or suggested in the cited art, the rejected claims cannot be rendered obvious by teachings directed to other limitations of the inventions claimed. Therefore, the rejection of claims 2, 3, 5-10, which depend from claim 1 and claims 20, 21, 23-25, which depend from claim 19, should be withdrawn.

Applicants respectfully submit that their claims are in condition for allowance, and request issuance of a notice thereof.

Pursuant to 37 C.F.R. § 1.25(b), the Commissioner is hereby authorized to charge any additional fees to Deposit Account 131241 or to credit any overpayment to the same for all matters during the prosecution of this application.

Respectfully submitted,

MANATT, PHELPS & PHILLIPS
Attorneys for Applicants

A handwritten signature in black ink, appearing to read "Ed M. Jordan", is written over a horizontal line.

By: Edward M. Jordan
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